

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: 2000 24' WORLD CAT
CRUISER BEARING HULL
IDENTIFICATION NUMBER
EPY46179E000

PHILLIP RIGSBY,

Plaintiff,

v.

Case No.: 2:23-cv-280-SPC-KCD

ALL POTENTIAL CLAIMANTS,

Defendants.

MONITION AND INJUNCTION

TO THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT
OF FLORIDA:

WHEREAS, a Complaint has been filed in the United States District Court for the Middle District of Florida, Fort Myers Division, by Plaintiff Phillip Rigsby as owner of a 2000 24' World Cat Cruiser bearing Hull Identification No. EPY46179E000, claiming the benefit of exoneration from or limitation of liability according to law and as provided in 46 U.S.C. §30501 *et seq.* and Supplemental Rule F, and the statutes supplemental thereto and amendatory thereof, and also contesting liability independently of the limitation of liability claimed in said Petition for any loss, damage or injury

arising out of or occurring on or about September 28, 2022, as described in the Petition for Exoneration from or Limitation of Liability, and said Petition also stating the facts and circumstances upon which said exoneration from or limitation or liability is claimed, and Letter of Undertaking, dated April 21, 2023, executed for no more than the amount of Three Thousand One Hundred and Twenty-Five Dollars (\$3,125.00) with interest thereon at six percent (6%) per annum having been filed herein, and

WHEREAS, this Court has Ordered that said Letter of Undertaking is approved and shall stand as security for all claims against Plaintiff Phillip Rigsby and a 2000 24' World Cat Cruiser, bearing Hull Identification No. EPY46179E000 in this proceeding, and

WHEREAS, this Court has Ordered that Monitions issue out of and under the seal of this Court against all persons claiming damages for any and all loss, damage or injury arising out of or occurring on or about September 28, 2022, on navigable waters of Pelican Bay near Fort Myers, Florida as described in the Petition for Exoneration from or Limitation of Liability, citing them to appear before and to file their claims with the Clerk of this Court in writing and under oath, and to serve copies thereof upon attorneys for the Petitioner on or before **July 18, 2023**, and directing that any such persons, or their representatives, claiming damages as aforesaid who shall desire to contest the claim of Plaintiff, shall answer said Petition,

and

WHEREAS Plaintiff seeks protection against suits outside of this limitation proceeding as permitted by 46 U.S.C. § 30501 *et seq.*, and Supplemental Rule F, and the Court having granted an injunction against such suits,

YOU ARE THEREFORE COMMANDED TO CITE PERSONS OR ENTITIES, claiming damages for any and all loss, damage, injury, and destruction arising out of or occurring on or about September 28, 2022, in the navigable waters of Pelican Bay near Fort Myers, Florida as described in the Petition for Exoneration from or Limitation of Liability, to appear before this Honorable Court and to file their claims with the Clerk of this Court in writing and under oath, and to serve copies thereof upon Richard J. McAlpin or Gabriela Diaz of McALPIN TANNER MARCOTTE, P.A., Attorneys for Petitioner, 80 SW 8th Street, Suite 2805, Miami, Florida 33130, on or before **July 18, 2023**, and if any such persons or their personal representatives shall desire to contest the claims of Plaintiff, to file an Answer to said Petition for Exoneration from or Limitation of Liability on or before the said date, or within such further time as this Court may grant, and to have such other and further relief as may be due them.

AND what you have done in the premises do you then make return to this Court together with this Writ.

ORDERED in Fort Myers, Florida this May 19, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record